

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Clyde Dial, Jr.**

**Docket No. 7:02-CR-90-1F**

**Petition for Action on Supervised Release**

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Clyde Dial, Jr., who, upon an earlier plea of guilty to Distribution of at Least 5 Grams of Crack Cocaine (base), in violation of 21 U.S.C. § 841(a)(1) and Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. §922(g)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 17, 2003, to the custody of the Bureau of Prisons for a term of 176 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the conditions adopted by the court.

Clyde Dial, Jr. was released from custody on December 9, 2014, at which time the term of supervised release commenced. On April 7, 2015, the defendant submitted a urine sample that was positive for the use of marijuana. He admitted using marijuana use on April 1, 2015. He was given a verbal reprimand. On April 17, 2015, he provided a second urine sample that was positive for marijuana use. Mr. Dial denied subsequent drug use and stated that this positive screen was the result of the earlier drug use noted above.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On May 11, 2015, Mr. Dial submitted a urine sample that was positive for marijuana use. He admits to using marijuana before that date and as recently as May 15, 2015. Mr. Dial continues to use illegal substances in spite of being directed not to do so. Additionally, he denies the need for treatment. It is believed that a weekend in jail will serve as an appropriate sanction for this conduct and hopefully will highlight the seriousness of his continuing drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 1 weekend, commencing as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that  
the foregoing is true and correct.

/s/ Robert K. Britt

Senior U.S. Probation Officer  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: May 19, 2015

**ORDER OF COURT**

Considered and ordered this 20<sup>th</sup> day of May, 2015, and ordered  
filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge